

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARIO A. VALENZUELA,

Plaintiff,

v.

SANTIESTEBAN, *et al.*,

Defendants.

1:20-cv-01093-JLT-BAM (PC)

ORDER TO SHOW CAUSE REGARDING
DEFENDANTS' FAILURE TO COMPLY
WITH COURT ORDERS

(ECF Nos. 38, 45)

SEVEN (7) DAY DEADLINE

Plaintiff Mario A. Valenzuela ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Santiesteban, Rodriguez, and Alejo for excessive force in violation of the Eighth Amendment and against Defendant Perez for failure to protect in violation of the Eighth Amendment, arising from the incident on June 22, 2019.

On April 9, 2021, the Court granted Defendants' motion to stay this civil action until Plaintiff's criminal charges in Kings County Superior Court, case number 20CM-1621, arising from the same June 22, 2019 incident involved in this action, are resolved. (ECF No. 38.) Defendants were directed to file a status report within ninety (90) days from the date of service of that order, and every sixty (60) days thereafter, addressing the status of the criminal proceedings until they are resolved. (*Id.* at 6.) On September 20, 2021, the Court directed Defendants to

1 continue filing status reports every ninety days, rather than every sixty days. (ECF No. 45.)

2 Defendants' most recent status report was filed on December 12, 2022. (ECF No. 54.)
3 The status report indicated that Plaintiff's criminal case is still ongoing, and the next court date
4 was set for January 3, 2023. Defendants indicated that they would continue to file a status report
5 every ninety days until Plaintiff's criminal proceedings are resolved. (*Id.*)

6 Defendants' next status report was therefore due on or before March 13, 2023. A status
7 report has not been received by the Court as of the signing of this order.

8 Accordingly, within **seven (7) days** from the date of service of this order, Defendants are
9 **HEREBY ORDERED** to show cause by written response regarding Defendants' failure to file a
10 status report addressing the status of Plaintiff's criminal proceedings. Defendants may comply
11 with this order by filing a status report in compliance with the Court's April 9, 2021 and
12 September 20, 2021 orders.

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14 **IT IS SO ORDERED.**

15 Dated: **March 15, 2023**

/s/ *Barbara A. McAuliffe*
16 UNITED STATES MAGISTRATE JUDGE
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